

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-358-C - ORDER NO. 2008-758
NOVEMBER 6, 2008

IN RE: Petition of BellSouth Telecommunications,)	ORDER REVERSING
Inc. d/b/a AT&T South Carolina for Review)	NANPA DECISION
of NXX Code Denial in the Chapin/Little)	
Mountain-South Rate Center)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (AT&T) for Review of the denial by the North American Numbering Plan Administration (NANPA) of its application for use of central office code numbering resources in the 803 area code.

The Federal Communications Commission (FCC) has set a “rate center” basis for determining the need for new numbering resources. Under FCC rules, carriers must establish that existing inventory within the carrier’s rate center will be exhausted within six months of their code application (months-to-exhaust or MTE), and the carriers must meet a rate center utilization threshold of 60 percent in order to receive additional numbering resources.

On or about August 19, 2008, according to AT&T, the Company submitted a Pooling Administration System request to NANPA and NeuStar for the assignment of two thousand-number blocks in the Chapin/Little Mountain-South exchange to go with the dialing plan of its customer, SCANA. In order to meet the customer’s express request

for numbers with an NXX ending in 8, AT&T requested the assignment of 803-NX8-6000 and 803-NX8-7000 number blocks. As AT&T does not have the existing numbers to meet the customer's request, it is requesting that the numbers be assigned to it. According to AT&T, the Company's application was completed in accordance with Industry Numbering Committee's (INC's) and/or NANPA's guidelines and filled out the necessary MTE Certification Worksheets. At the time of the filing of the code request, the Chapin/Little Mountain-South Rate Center had a MTE of 8.475 months to 10.671 months for the relevant blocks, and a utilization of 49.259%.

Thereafter, also on August 19, 2008, NANPA's Central Office Code Administration denied AT&T's code request because AT&T had not met the rate center based MTE criterion now set forth in the Central Office Code (NXX) Guidelines. The Company notes that NANPA denied AT&T's code requests, despite the fact that AT&T does not have adequate numbering resources needed to satisfy its customer's demands in the Chapin/Little Mountain-South Rate Center.

AT&T states that its inability to provide this customer with the requested numbers prevents AT&T from providing the quality of service this customer desires, needs, and expects. AT&T notes that if it is not assigned the NXX code needed to meet the customer's request, AT&T will be unable to provide telecommunications services requested by the customer. Further, according to AT&T, NANPA's refusal to grant numbering resources sufficient to meet SCANA's needs is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving

telecommunications services of their choice from providers of their choice for want of numbering resources.” FCC 00-429 at Paragraph 61.

According to AT&T, both the FCC’s rules and the Central Office Code (NXX) Assignment Guidelines provide that state regulatory authorities have the power and authority to review NANPA’s decision to deny a request for numbering resources. Prior to the FCC’s Order and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the MTE procedures used by NANPA permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider’s inventory did not have a block of sequential numbers large enough to meet the customer’s specific request. Under today’s procedures, NANPA looks at MTE for the entire rate center without any exceptions. The FCC has determined, however, that states may grant relief “if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory.” FCC 01-362, Paragraph 64. In addition, the FCC has ruled that, “States...may grant requests for customers seeking contiguous block of numbers.” Id.

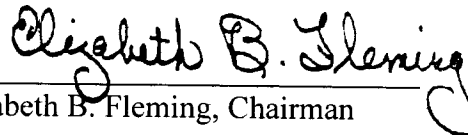
AT&T therefore requests that this Commission reverse NANPA’s decision to withhold numbering resources from the Company on several grounds. First, AT&T notes that NANPA’s decision to withhold numbering resources from AT&T interferes with AT&T’s ability to provide telecommunication services to its customers as required under South Carolina law. Second, AT&T states that its request for numbering resources would

not materially impact exhaustion of the 803 area code. Lastly, AT&T states that other state regulatory agencies in Alabama, Florida, Georgia, Louisiana, North Carolina, and Tennessee similarly have recognized their jurisdiction and authority to review NANPA denials and to order the release of number resources to AT&T to meet customer needs. Specifically, AT&T requests that this Commission reverse the decision of NANPA denying AT&T's request for additional numbering resources and direct NANPA to provide the requested central office code for the Chapin/Little Mountain-South Rate Center.

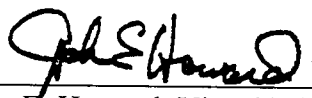
We agree with AT&T, and hereby reverse NANPA's decision. We hold that AT&T has demonstrated that it has received a customer request for numbering resources in a given rate center that AT&T cannot meet with its current inventory. NANPA is hereby directed to approve AT&T's code assignment request originally submitted on or about August 19, 2008, for the assignment of 803-NX8-6000 and 803-NX8-7000 number blocks as soon as possible. We believe that the additional numbering resource is necessary to meet the legitimate demands of AT&T's customer for telecommunications service. Further, it should be noted that this request would not materially impact exhaustion of the available NXXs in the 803 area code.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)